

RESIDENTIAL TENANCIES AMENDMENT BILL 2023

Second Reading

Resumed from 29 November 2023.

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [4.06 pm]: I rise today as the lead speaker for the opposition to speak on the Residential Tenancies Amendment Bill 2023. It is an interesting bill. We know that a lot of changes have been made in other states, and Western Australia is also falling into line with this legislation.

From my perspective, the balance between the landlord and the tenant is very interesting. It is very important for the opposition to ask a lot of questions, which I will do during the consideration in detail stage, and I am sure that the Minister for Housing will have all the answers. It is an important bill because, right at this time, the question is whether it will allow more housing to be created or whether it will restrict housing for renters. That is probably the overriding question that many people have raised with me.

There are elements of the bill that I think are good. Certainly, streamlining the bond disposal process is an important element, as is the prohibition of the solicitation of rent bidding, which is something that has developed over the last few years. If people go for a drive to the markets on a Saturday morning, they will see one of two elements. They will see either 50 or 60 people lined up outside a house that is for sale or many numbers of people lined up outside a place that is for rent. It is important to consider in the current context the demand for rentals and the concern that may arise if this legislation discourages landlords from putting their place on the market. They might just switch off because they are worried about the modification provisions or the pet provisions and say, “I don’t really need the money; maybe I’ll just take the place off the market so I don’t have to deal with that.” They are the sorts of questions I will ask in consideration in detail.

I will go through what I think are interesting figures from a 2021 breakdown of household tenure types in Western Australia. There are 291 585 fully owned homes, which is 28.3 per cent of households; 387 703 homes with a mortgage, which is 37.6 per cent; and 271 906 rentals, which is 26.4 per cent. Rentals are made up of 3.5 per cent social housing and 22.7 per cent private rentals. A couple of other figures include other tenure types of 2.2 per cent, and “not stated” is 5.4 per cent. These figures take it up to 100 per cent, which is 1 029 774 households. This is obviously from 2021, but I think since then, with the Albanese government’s immigration policies, we have seen the population of Western Australia expand quite rapidly.

Ms R. Saffioti: It is the success of our economy, too.

Mr P.J. RUNDLE: There is a combination of factors.

I have a population growth graph from the Real Estate Institute of Western Australia that shows that Western Australia’s population grew 3.1 per cent in the year to June 2023, which is the strongest annual growth since June 2009. In the year to June 2023, WA gained over 73 000 people from migration, with the majority coming from overseas. Once again, this puts pressure on our housing market, such as the sale of houses, units, townhouses and the like, and also on the rental market. It is nothing new. Everyone in this chamber knows what has happened. I think most of us would be surprised, to be honest. When things started out with COVID-19, people were worried about the value of their house dropping, or being overseas and not being able to get back, and all those factors. The general sense from people at the start of COVID was that the value of their house might drop or they would struggle to rent it out—whatever the scenario—when it has gone the other way. I guess part of that is the net migration intake, which has increased very rapidly in Western Australia.

There are a few figures on rental vacancy rate. According to REIWA, 2.5 to 3.5 per cent represents a balanced market. However, the vacancy rate in Perth has been around 0.7 per cent for more than a year, with no relief for renters in sight. In January 2024, the vacancy rates across WA were 0.7 per cent in Perth, 0.6 per cent in Albany, one per cent in Bunbury, two per cent in Kalgoorlie and 0.9 per cent in Geraldton. They are very low vacancy rates. This reform will be beneficial for renters, but the questions are: Will it take investors and landlords out of the market? How is the government aiming to address this? As I pointed out earlier, that is certainly my main concern.

I will quote from quite a good article of Saturday, 27 May 2023 titled “Renters and landlords reveal what they think of Western Australia’s rental law shake-up” by Keane Bourke from the ABC. It states —

The relationship between WA renters and landlords is set for its biggest shake-up in years, and not everyone is fully onboard.

Under reforms announced yesterday, renters will soon have greater rights to keep pets and make minor modifications, with landlords restricted to only increasing rent once a year.

Mr Peter Rundle; Mr David Scaife; Ms Lara Dalton; Ms Jodie Hanns; Ms Cassandra Rowe; Mr John Carey; Mr David Templeman

Landlords and property managers won't be able to encourage tenants to offer more than advertised rent, the release of bonds will be streamlined and disputes will be handled by the Commissioner for Consumer Protection rather than magistrates.

The changes are due to take effect from mid next year ...

The article provides the example of Jacinta Goerke. It states —

Jacinta Goerke has been a landlord for about 30 years and said she was still planning to sell up in the near future.

“People back then [when I started] told me don't do it, all you'll be doing is cleaning up homes, fixing houses ... try and enjoy your life and get into something a bit better,” she said.

“Unfortunately, they were right and I am leaving.

“Will the changes today stop me from selling? No, absolutely not.”

It is a balancing act between renters and landlords. The article continues —

The minister responsible for delivering the long-awaited reforms, Sue Ellery, acknowledged as much when she announced the changes alongside Housing Minister John Carey.

Both pointed to the fact that only increasing the number of rentals on the market would drive down prices.

That is that element. Neither Hon Sue Ellery nor Hon John Carey can tell us whether there will be an increase or a decrease in the number of rentals available due to this legislation. Mr Carey is quoted in the article as saying —

“We are using every lever we can to accelerate the delivery of housing in Western Australia ...

As I said, the vacancy rate is about 0.7 per cent in Perth and most surrounding areas. The article continues —

The low vacancy rate is driving up prices and left the government hesitant to do anything that scares more investors away.

“If we restrict the decisions that owners can make about how they manage and use their asset, the risk we take is that they remove them from what is already a really tight rental market,” Ms Ellery said yesterday.

“It's not the right time to make it more complex to own and manage a long-term private rental property.”

Will the changes in this legislation make it more complex to own and manage a property? I believe that a landlord could well and truly argue that if a tenant has pets and they are worried about the damage the pets might do to the property or worried about the minor modifications that could be made. Once again, another challenge with this legislation is that the regulations are still being worked on. That is the challenge we face when trying to get information about what will be defined as a “minor modification”.

Mr J.N. Carey: Are you suggesting that because of these changes we are driving out investors from the rental market?

Mr P.J. RUNDLE: No. I am concerned about the potential for people to say that they do not want to have to deal with pets or a tenant making minor modifications that the landlord is not sure about. They are the questions I am posing, minister. I am not necessarily saying that it will have an effect either way, but I am saying that it could, and this and many other articles that I have seen have pointed out that it is a challenge. Landlords may go down that path.

I intend to ask those questions during consideration in detail because I am here to ask questions on behalf of landlords and other people around the state who might be thinking about putting their property up for rent. That is where I am coming from.

The removal of no-grounds evictions has been partially taken up in other states. It was one of the biggest things that the government and the real estate lobby figured would drive out investors. To quote Cath Hart from the Real Estate Institute of Western Australia —

“If we were to remove it [no grounds evictions] we would see a disproportionate response from investors who would simply exit the market now ...

That is pretty strong wording about some of REIWA's members. I think most people welcome the fact that this government has not taken up those changes, unlike the likes of the Victorian state government. I think that is probably a positive and something this government realised.

A member interjected.

The ACTING SPEAKER: Minister, you are not in your seat.

Mr P.J. RUNDLE: That is right!

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People from different parts of the landscape obviously have different opinions. I think it will be very interesting because of certain elements, such as rent increases. The median rent jumped by 20 per cent to its current price of \$600 in January 2024, and I believe it has actually increased since then. The Premier said on ABC Radio Perth in the same week that capping rental increases could turn investors off, which would be to the detriment of housing supply, and that the government did not want to drive investors out of the rental market, yet this reform may do exactly that. I think most people would generally agree that limiting the frequency of rent increases to once every 12 months from every six months is probably a fair thing to do for renters.

The issue of minor modifications has created some concern amongst landlords. New South Wales developed a comprehensive list of minor modifications in its regulations. We hope that the Western Australian government does much the same. I foresee that there will be elements that will present a challenge. If someone says they are going to make a minor modification, it may get out of control inside the house, and when the landlord comes back to do an inspection a few months later, things may be a little bit more radical than first anticipated. That will be interesting.

The other element is the pet situation. I will ask questions in consideration in detail about that. I have a few stats here. In 2018, 3 182 private renters in Australia were surveyed on their experience of renting. Of the respondents with a pet, 42 per cent said that having a pet limited the availability of rental properties, 7.5 per cent indicated that they were unable to rent within their preferred location as a result of having a pet, nine per cent had to compromise on the type of dwelling they rented, and six per cent admitted to not being truthful about having a pet in order to access a dwelling.

Research undertaken in Australia in 2021 found that progression to pet-inclusive housing policies is critical to enable people living with pets in unsafe and precarious living situations, such as domestic violence or homelessness, to transition to safer housing. I think that is self-explanatory. I personally support the ability for a tenant in a family or domestic violence scenario to put extra locks on or the like. That is also pretty self-explanatory.

The opposition will ask questions. If a landlord states in an advertisement that pets are not preferred, how will that work? As I asked at the briefing, will there be any implication if a landlord puts that out there? Of course, that would limit the number of applicants. What will happen if someone says that they do not have a pet but, a week after they move in, they move in with a pet? Those are the sorts of questions I will ask the minister during the consideration in detail stage.

Of course, retaliatory action is an issue. This occurs when the property manager or owner gives a notice to remedy a breach, gives a notice to leave or increases the rent in response to a tenant asserting their rights in an attempt to intimidate or punish them. Under these reforms in WA, a lessor will be considered to have taken retaliatory action if they give the tenant a notice of a breach, other than for failure to pay rent, and require the tenant to remedy the breach; increase the rent; take action to terminate the tenancy; or refuse to renew the tenancy agreement. Of course, it will always be a challenge to prove that a lessor has taken retaliatory action if they do not renew a tenancy agreement. How will a tenant prove that the lessor has taken that type of action? That will be a challenge, because obviously there might be other reasons, such as wanting to sell the place or move a family member in. However, they may just want to move the tenant out and get someone else in. That is going to be a challenge.

Rent bidding has developed over the last year or two. That is not ideal. That has developed because of supply and demand issues. This reform aims to stop landlords and property managers from pressuring or encouraging tenants to offer more than the advertised rent. Curiously, this will not apply to printed ads placed near a rental, which are not required to state the price. This loophole occurs in other states, including New South Wales. Someone could wander down to their local deli and put up a notice. Potentially, someone could say that they will pay a little more, and so it goes on. That interesting scenario, in which an ad that does not state the price is allowed to be placed near a rental, could develop. Proposed section 27 AA(2) states —

A person does not commit an offence against subsection (1) if the person places a sign advertising or offering residential premises for rent at or near the premises and the sign does not state an amount of rent for the premises.

What other rules will there be around advertising on social media? Will a landlord be able to take an image of a printed ad and share it on social media? That is another question that might crop up.

As I said, I will be asking a variety of questions on many elements of this bill. From a landlord's perspective, the provisions around pets and minor modifications will probably be the challenging parts of this legislation. I think that most renters will welcome this legislation. Of course, I understand that strata by-laws will override this legislation in most cases, which is another element that I will look at. If a strata company has, say, 30-odd units and its by-laws state that people cannot have pets inside the property or in the common area, will that be the end of it? Will that by-law override this legislation?

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As pointed out, there were 350 submissions from landlords, tenants and members of the real estate industry. There are certainly provisions that I think are fairly logical, such as the power for the Commissioner for Consumer Protection to determine disputes about the disposal of bonds. From my understanding, at the moment, the bond disposal at the end of a tenancy can be challenging, and it would certainly help to, if you like, streamline the process in the event of a bond dispute. Of course, another element is the \$260 pet bond, which I understand is to allow for fumigation and the like. However, as I think most of us here understand, if someone has a couple of big dogs inside a unit, they can well and truly rack up costs of more than \$260 worth of fumigation. They can rack up costs for things such as new carpets and paint right throughout the house. This is another question: if the pet and security bonds added together still do not add up to the cost of replacing the carpets and repainting the whole place, where will everyone stand on that; what will happen if the actual expenses are more than the total of the pet bond and the normal property bond? There is a challenge in front of us there as well.

I will leave my contribution there. As I said, I have a lot of questions to ask in the consideration in detail stage. There has been a lot of interest in this bill. I look forward to the minister responding and giving clarity on many of those elements. Certainly, the overriding question that many people have put to me is: will this actually restrict housing supply for our renters in Western Australia; when this legislation goes through, will some landlords actually take their rental property off the market, creating a shorter supply of housing?

Mr J.N. Carey: Where are you backing that up from? What facts, statistics, evidence?

Mr P.J. RUNDLE: I am just giving the minister feedback from my constituents and others who have brought that up.

Mr J.N. Carey: That's not what REIWA is saying.

Mr P.J. RUNDLE: I am not saying that the Real Estate Institute of Western Australia has said that; I am talking about other constituents.

Mr J.N. Carey: Give me their names and addresses and I'll call them.

The ACTING SPEAKER (Ms R.S. Stephens): Thank you, minister.

Mr P.J. RUNDLE: I have referenced them here in some of these statistics, and I have referenced REIWA and some of the population statistics.

Mr J.N. Carey: But you haven't demonstrated any evidence of that at all.

Mr P.J. RUNDLE: I am talking about people who have actually spoken to me and expressed their concerns.

For argument's sake, REIWA's modelling, which I will now refer to, estimates that there are 8.1 per cent fewer rentals in WA than there were in the peak in February 2021—a loss of more than 18 000 properties in the rental market. Those figures are based on the Department of Energy, Mines, Industry Regulation and Safety's bond data, so I think that is pretty self-explanatory. That is not to say that that downward trend will continue when this legislation goes through, but I have had plenty of information —

Mr J.N. Carey: Where do you think those homes are going to? Do you think the possibility is that people are buying rental homes and moving into them?

Mr P.J. RUNDLE: That is one element, minister. There are any number of circumstances. There are adult children living with their parents and the parents might say, "I've had enough of this; I might move my children into this rental." That is another scenario.

Mr J.N. Carey: But you would acknowledge that that house is still being used and is still providing a home and is still part of the housing continuum?

Mr P.J. RUNDLE: I acknowledge that. I am saying that if there are four people in one house and the parents move two adult children out into a rental property, all of a sudden there are two properties being used instead of one, so that will theoretically reduce the housing stock for other people on the street who might want to come in as outside renters. As I said, I am just relaying some of the concerns that have been outlined to me. I think that is a natural response when we look at the experiences of people with large pets and so forth. Obviously, we understand that there are small pets and companion pets and dogs that assist people with their disability and mental health challenges. There are different arguments that can be raised. That is all I am here to do; I am here to raise those arguments and to ask questions. I look forward to contributions from other members and the minister's responses in consideration in detail.

MR D.A.E. SCAIFE (Cockburn — Parliamentary Secretary) [4.37 pm]: I do not think the member for Roe is looking forward to my contribution! My view is that the member for Roe should not be allowed to speak between 3.30 and 5.30 pm because between his delivery and the mid-afternoon slump, my blood sugars need one of those big bags of glucose jellybeans that you get in chemists! I love them!

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Ms R. Saffioti: Great colours!

Mr D.A.E. SCAIFE: In a family of diabetics, I grew up on those glucose jellybeans. I was just sitting there then, thinking, “God, I could guzzle half a bag of those right now!”

Ms R. Saffioti: Big question: favourite colour?

Mr D.A.E. SCAIFE: I am a fan of the black jellybeans—the licorice flavour!

Ms R. Saffioti: Green!

Mr D.A.E. SCAIFE: Okay, we have votes for green. I am glad to have at least sparked some interest in the chamber, because that was a meandering performance from the member for Roe.

Mr P.J. Rundle: You’re a hard man!

Mr D.A.E. SCAIFE: I am!

I found something extraordinary about what the member for Roe said. We all know there is significant pressure on our housing market, and that is affecting people’s ability to buy properties and to find rentals. We all know that; we have all had constituents come to us. The member for Roe and his opposition colleagues come in here all the time, bashing up the government for not doing enough to provide rentals to the market. They are always bashing us up, as though we are not doing enough on behalf of renters, but then the member for Roe in his contribution just now described his role as being here to ask questions on behalf of landlords!

That is what he said. He said that he is just here to ask questions on behalf of landlords; I wrote it down because I thought it was so extraordinary for an opposition to come in here —

Mr P.J. Rundle: I said constituents and many others.

Mr D.A.E. SCAIFE: No, the member can go back. We will check *Hansard* when we have to. Do not worry, member for Roe, my background as a lawyer means that I am used to writing file notes while people speak, and I heard that one correctly; that is, you are here to ask questions on behalf of landlords. That is what we heard from the Minister for Housing in question time last week, which is that a leopard does not change its spots. This opposition cries crocodile tears on behalf of renters, but when it comes down to it, it is not here to ask questions on behalf of renters or the diverse range of people in public housing, community housing or the private market about the significant pressures placed on them when finding housing. Fortunately, we have a government that is getting on with the job of boosting housing supply.

It is fortuitous that on the same day we are having the second reading debate on this bill, the Premier and the Minister for Housing this morning stood side by side with the Prime Minister and the federal Minister for Housing, Hon Julie Collins, to announce a significant investment from state and federal governments in the Pier Street development. It is a build-to-rent development that will see 219 new apartments brought into the housing market. Of those 219 new apartments, 30 per cent, or 66, will be social rentals; and 20 per cent, or 44, will be affordable rentals. That is 110 social and affordable rentals that will be brought into our system just off the back of that one development at Pier Street. The development at Pier Street is not happening of its own accord. It is not happening by accident; it is happening because of reforms and investments that this state government has been driving. It is because of an \$88.6 million investment from the federal government as part of its National Housing Infrastructure Facility and a partnership agreement with the state Cook Labor government whereby it will also contribute \$40.6 million towards the development. State and federal Labor governments are stumping up real money, real investment, to make sure that we get off the ground innovative housing solutions like the Pier Street build-to-rent development to provide alternative housing choices for people.

That \$40.6 million investment from the state government forms part of broader investment that this government has been making over several years. We have invested \$2.6 billion so far in housing, and that includes the delivery of around 4 000 new houses into the system. In the current construction market, which is cooling somewhat but still heated, we know it is difficult to get projects off the ground, particularly higher density projects. That is why we are partnering with the federal government on projects like Pier Street. The purpose of that is to produce apartments not just for the private market, but also the social and affordable rental markets. We are also undertaking many other initiatives. These are initiatives that the government and the minister have been driving. I think of the housing diversity pipeline. I believe that applies to the Pier Street development. The housing diversity pipeline is an initiative to identify those bits of lazy government land lying around not being used effectively and activating them so that we can build the housing supply that we need now and in the future. The housing diversity pipeline initiative underpins the Pier Street development.

We also have other initiatives. We have our infrastructure development fund that subsidises the cost of connecting infrastructure like power and water to apartment blocks that are eligible under the criteria of that program.

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The partial subsidy per apartment means that the commerciality of those developments becomes easier to achieve for the investors and proponents of those projects. A wide range of measures is being taken by the state government to improve access to a diverse range of housing options. That is something I am always confused about with opposition members. They always focus on one particular issue. They never look at the fact that we need to have a diversity of housing options in the market. We need to have social housing, affordable housing and higher end products in the market that allow people to downsize out of bigger properties and free them up for other people. We need solutions across the spectrum.

The other project I want to briefly speak about is the build-to-rent project at the former Stirling Towers site. This comes off the back of a significant announcement that the minister made in December last year, about two months ago. The announcement was that a consortium comprising Community Housing Ltd and Tetris Capital had been selected as the proponent to demolish the former Stirling Towers complex and prepare the site for redevelopment. The Smith Street build-to-rent project will be coming out of the ground over the next few years. We are obviously in the initial stages of that project, with proponents selected to first demolish the site and then redevelop it. It is another exciting example of a large-scale built-to-rent project, together with the project on Pier Street, which was announced today.

In closing, I want to reflect on the comments I made at the start that we have an opposition that pretends to be on the side of renters, but, clearly, when we get down into the detail, they are not here to support them. I want to say to renters that I am a member of Parliament who supports them and they have a government that supports them as well. They can clearly see that in the text of the bill. I was a renter up until about 18 months ago. I rented my whole adult life. I am very fortunate to be in the privileged position of owing a bank a lot of money as part of my mortgage; nonetheless, I have been able to get my foot in the door of the housing market, which is getting harder and harder for people of my generation and younger. It is not that long ago that I was a renter and I saw some of the really difficult situations renters can get themselves into. I remember one landlord in particular who was completely outrageous about releasing our bond. They made all sorts of wild claims about the state of the house when we moved in. It also turned out that they had lost the property condition report that we had filled out and lodged with the agent. Fortunately, we took photos of it before we handed it over, so we had timestamped photos of the property condition report. In that case, I had to go all the way to lodging an application at the Magistrates Court to get our bond back. Eventually, because the landlord did not show up, we got a default judgement releasing our bond. It should not be that difficult, for either tenants or landlords, to get back their bond. A bond is not necessarily a huge sum of money, but it can be several thousands of dollars. Particularly for a tenant who is moving into new premises and stumping up a bond for new premises, it is a really significant amount of money; it is significant to their life. I really want to highlight one of the reforms in this bill that could otherwise be overlooked: the mechanism to allow an application for the release of the bond to be made to the bond administrator. They will have the ability to refer the case to the commissioner for a determination, rather than having to work out how to fill out the form at the Magistrates Court. I have to say that, despite being a qualified junior lawyer at the time, I remember the Magistrates Court trying to reject the forms that I had filled out. In the end, we were able to lodge them and it turned out that the Magistrates Court had got it wrong, but if it is hard for someone who at the time was a qualified lawyer to lodge documents to get their bond released, members can imagine how difficult it must be for so many people out there. I really welcome that reform. I think it is an important one for not only tenants, but also landlords because it is not in landlords' interests to be caught up in a fight about \$1 200 or \$2 000. The only people who benefit from that are the real estate agents and the property managers who get the fees from the landlords to manage the property. I think that is a sensible reform.

The reforms in general will complement our initiatives to boost housing supply. This government has a comprehensive agenda for improving conditions in our housing market, whether that is in boosting supply, getting the balance right between landlords and tenants or getting planning reform right to deliver secure housing for people into the future. We can contrast that approach from this government with the flip-flop droning from the opposition, which has an extremely shallow analysis of the issues and is not committed to delivering for the people of Western Australia.

MS L. DALTON (Geraldton) [4.50 pm]: I rise today to speak on the Residential Tenancies Amendment Bill 2023. Like many in this chamber, I have been a tenant. I have rented most of my adult life, until recently. My experience has been mostly positive. The place I rented for over 16 years was my home. I raised my family there and cared for it like it was my home. I have also had the experience of insecurity of tenure, which caused me great anxiety, and felt the power imbalance that tenants can feel when dealing with property managers. There has been insecurity in rental housing for many years, not only for renters, but also for landlords. The reforms will balance the need for greater rights for tenants with certainty for landlords, industry and potential investors in the rental market.

The bill, like all bills of the Cook Labor government, has undergone a rigorous consultation process, with multiple avenues for people to provide feedback. More than 350 submissions were received from tenants, property managers, real estate agents, landlords and peak bodies representing these groups. With these experiences taken on board,

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the Cook Labor government is modernising the Residential Tenancies Act to improve long-term prospects in the residential tenancy market.

The proposed changes include modifications to the dispute resolution process. When a disagreement between a tenant and a landlord cannot be resolved, the dispute is heard exclusively in the Magistrates Court. That can be a lengthy process for all parties that causes disruption to daily life and delays resolution. It is something that nobody really wants to have to spend their time on. To alleviate this burden, the reforms will implement a new process whereby the Commissioner for Consumer Protection assumes responsibility for finding a resolution. This innovative approach promises a more accessible avenue for resolving conflicts, sparing parties the need for physical court appearances and instead facilitating resolution through written communication with the commissioner.

The bond disputes process will be improved by the legislation. Currently, the Department of Energy, Mines, Industry Regulation and Safety assumes the role of bond administrator and may dispose a bond only if the parties have agreed to the bond disposal amount or court orders provide for the bond disposal amount. It is due to submissions from both landlords and tenants that this reform will be made. They have said that they find the court processes intimidating and onerous. Streamlining the processes will give people more time to be in pursuit of productive activities, not administrative and bureaucratic processes.

As everyone is aware, the vacancy rate for residential properties in Geraldton is low. As of January 2024, the Real Estate Institute of Western Australia reports Geraldton's vacancy rate as 0.9 per cent. We would like to see it closer to three per cent.

Reforms for alleviating the vacancy rate are another topic of conversation. They include reforms by the Cook Labor government in support of the construction industry through fee-free TAFE courses, skilled migration incentives, reducing red tape on granny flat builds and in planning to encourage more medium-density housing along transport corridors in the metropolitan region.

I am well aware that a barrier to renting for some families in Geraldton is that they are pet owners. Many times they have come to my office to raise that issue with me. Tenants should not have to choose between their home and their pets. The Residential Tenancies Amendment Bill 2023 includes alterations to allow tenants to keep their pets in most circumstances. This will mean that, going forward, landlords cannot refuse a pet except on reasonable grounds. They will need to have permission from the Commissioner for Consumer Protection to not allow pets or have certain restrictions on owning a pet. As I said earlier in my opening statements, I was a tenant for most of my adult life, and while I was growing up with my family in our rental property, pets were a large part of our lives. I could not imagine raising my children without being allowed to have our pets in our lives when we were renting. For most people, pets are part of what makes a home.

This proposed reform will still allow owners to collect a pet bond and home owners will still be protected against any damage caused by pets. To ensure that owners are adequately protected, the prescribed pet bond amount will be reviewed to ensure it accounts for inflation. Landlords of strata properties will maintain the right to refuse pets if the strata by-laws do not allow pets, which I can agree with from the perspective of the animal's comfort, considering strata properties are often built close together and may have only small private outdoor areas. Therefore, each applicant will be able to make an argument to have their pet. The pets and bond disposal reforms are just a few that will form part of the first steps in the modernisation of our laws.

To protect renters as consumers, new reforms will ensure that the product—the house—is advertised correctly and will safeguard against rent bidding. This bill will prohibit the practice of rent bidding. If members have not heard of rent bidding before, it is when a property is advertised at a certain rate but the owner or representative of the owner encourages the interested tenants to increase their weekly rent offer to lock in the lease. In the current market, I can understand that offering a higher amount makes one a more attractive tenant, but going forward, this practice cannot be instigated by the owner or property manager. In fact, this has caused a lot of anxiety for people. When they go to home opens of a certain set price, they understand that that price is in the realm of their affordability, but when somebody else with a different set of circumstances is encouraged to make a higher bid, other people cannot meet it and that is really not fair.

When a tenant signs a lease and moves in, it is important for their safety and enjoyment that they can make minor modifications. Tenants will be able to make minor modifications, with written permission from their landlord, for homely additions such as hanging curtains, building a garden bed or displaying art on walls—all of which we know are part of making a house a home. For those who are ageing, have a disability or have young children, modifications that improve safety and accessibility will be allowed. They include safety aspects such as latches on doors, hand railings and using anchors to secure heavy furniture. Obtaining written consent before making minor modifications will not exclude the tenant from having to restore the property to its original condition before ending the lease. These reforms will maintain the protection of landlords whilst providing a streamlined process for tenants

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to make the house their home. Under these reforms, landlords will have a reasonable right to refuse modifications if they believe they are unsafe or when the modification could unreasonably impact a heritage-listed home. These reforms and changes to the act will be monitored and subjected to further consultation with stakeholders.

In my time as the member for Geraldton, I have seen a lot of people housed in social homes—people who were previously sleeping rough through no fault of their own. They may not have had a stable support system growing up. They may have medical issues that have put them out of work for one reason or another. They may be struggling and have felt quite alone. To be there when they have received the keys to their first home and see how they made these houses their homes has been an absolute privilege. They are proud to—sometimes for the first time—have an actual roof over their head that is theirs and maybe is not shared by others.

I was very proud to stand with the Minister for Housing a couple of years ago when we opened six refurbished units as part of a pilot program in Geraldton to house residents who had been sleeping rough for a number of years. I spoke with some who had never lived in a home of their own and had always lived either on the streets or in shared spaces with other people or family members. These residents were very proud of the fact that they were able to call these units home. Granted, we cannot expect people who have never lived in a home and had to manage a home on their own to be thrown into that situation without some support. Some wonderful agencies in Geraldton provide fabulous wraparound support to these people, helping them keep on top of their budget, maintain sobriety and pay their rent. They have support through ICARE, Centrecare and agencies like that. I was also very happy to assist these residents with buying some basic household goods to help them furnish their new homes with things like kettles, pots and pans, and maybe a rug for their bed. A lot of the bigger furnishings were second-hand goods donated by Midwest Disaster Relief and other members of the community. We were able to provide the capacity for residents to go into Kmart with vouchers to choose something new. It cannot be underestimated how wonderful that makes people feel if we have not experienced it ourselves. I would like to see a future in which those in social housing now will be able to enter the private market and pay market rates, if not get into home ownership. I advocate for any reform that provides tenants with more rights now and more certainty for landlords and prospective tenants to ensure that our available rental properties grow to meet demand.

For those who are in private rental accommodation and are experiencing cost-of-living pressures, the Cook Labor government's \$24.4 million rent relief program offers financial assistance to households at risk of eviction, providing relief to those most in need. Working alongside trusted key organisations, this government is supporting vulnerable Western Australians to sustain their tenancies and help keep them in their homes. In response to people who have criticised this program, I encourage them to imagine a future in which dozens of WA families are evicted because of a few hundred dollars in outstanding rent arrears. We cannot let these unfortunate, often temporary circumstances result in families and landlords going through a costly and time-consuming eviction process. As of Friday, 16 February, over 100 households have been provided with rent relief totalling \$450 000 in support. Although it is a one-off payment, it is not a once-off gesture. Eligible tenants are also supported to maintain the tenancy and manage their household budget through financial counselling services. All Western Australian tenants are supported by the tenancy advice and education service. The Cook Labor government has increased funding to this service by 35 per cent, bringing it back to pre-2016 levels and before the former Liberal–National government cut the funding. The tenancy advice education service is run through 16 community legal centres and provides on-the-ground advice and support for tenants facing difficult circumstances. I know that this service is appreciated in my community. It means that minor issues are resolved and the rights of tenants and landlords are upheld.

Targeted funding for preventive services is crucial in this current market. Another reform to keep Western Australian families in their homes is our proposal to reduce the frequency of rent increases from every six months to every 12 months. I think that will be hugely welcomed by tenants in Western Australia. When housing is a large part of a household budget, it is important that we implement legislation that provides certainty. I have heard from tenants of their many experiences of being consumed by the thought of another rent increase. They say, “Didn’t it just go up? What else can I cut from my budget?”, or “I’m stuck where I am as I cannot afford to move. Where should I move to?” These are ongoing anxieties for renters.

Reducing the frequency of rent rises will put WA in line with other states in Australia. This reform and the prohibition on rent bidding will take effect immediately, with other reforms introduced once enabling regulations have been drafted. These reforms and the record investment of \$2.6 billion into social housing and homelessness measures, which has delivered more than 1 800 homes already, is proof of the Cook Labor government’s commitment to ensuring that our most vulnerable are housed and that investment into residential property is still attractive to investors.

Alongside these reforms, we have introduced tax incentives to Parliament to promote large-scale build-to-rent developments in Western Australia. This legislation will help to build the capacity of the rental market, providing more rental properties to meet demand. We are cutting red tape to boost housing supply and support builders to speed up the construction of new homes. We have taken on board our community’s concerns to increase tenants’ rights so that they feel better protected and a landlord’s right to maintain control of their rental property. I commend this bill to the house.

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MS J.L. HANNS (Collie–Preston — Parliamentary Secretary) [5.07 pm]: I, too, rise to make a contribution on the Residential Tenancies Amendment Bill 2023. I will go through a number of the key changes, but I note that the member for Geraldton has been very thorough in her approach. I will take on board the things that she has raised and perhaps touch on the things that I can add some value to rather than duplicating her wonderful contribution today.

I want to pick up on the fact that landlords play a very important role within the housing sector in Western Australia and Australia more broadly. Like the member for Geraldton, I have also been a tenant. This bill will try to strike a balance between the rights of both of those groups of people. Later on in my contribution, I will talk to the fact that, as a tenant, I was not treated with respect by some of the landlords that I rented from. I would call myself a pretty good tenant. I know the member for Cockburn noted in his contribution how difficult it was to negotiate getting his bond back. I can imagine there are people who do not necessarily have the skills or perhaps even the knowledge of what their rights are under the law. It is really important that these amendments to this legislation strike the right balance between the rights of tenants and, very importantly, the protection of the rights of landlords to make sure that there is housing supply within the private rental market well into the future.

I start my contribution by framing the context of private rentals in my electorate of Collie–Preston. It is fair to say that probably most people come to my electorate office to raise issues around housing with me. I will talk through some of those things today. I say to everyone who has criticised the government and its policies that this is a really complex issue. It is not something that has been created overnight; however, the role of the COVID pandemic has absolutely changed the landscape of housing in Western Australia and Australia, and, in fact, right across the globe. I remember sitting at a barbecue a couple of months ago and saying to people, “It’s not as easy to solve as you might think. COVID did this and that, and we had an influx of people moving back from overseas who displaced a lot of renters because they were previously renting out their house while they were overseas but have remained in Australia since they moved back.” I looked at my friend and she was someone who sheepishly fell into that category. She said, “Now you’re making me feel guilty about moving back into my own home.” We had a laugh about it, but that is the reality of the COVID complexities.

I am really grateful that the supply of housing and the construction industry was constricted over that period. I was interested to watch two houses being built up the road from me that started during the COVID period; they sat at the lock-up stage for what felt to me like an unending amount of time. I cannot imagine what the people who were building the houses felt. I know that those two families were living in rentals in Collie. They were very keen to move into their own homes but were not able to move out of the rental houses because their houses were not ready. They are just a couple of examples of how complex the situation is. No amount of trying or doing or any of those things were going to fix those people’s situation because those houses could not be finished overnight for them to move into. The supply chain issues—steel for roofing, timbers for roof structures, pavers and all those sorts of things—have been really difficult. We thought about retiling our bathroom, but the tiles we were looking at, which match our current tiles, were just not available in the quantities we need. There is a whole range of housing supply issues.

The other really devastating part of the COVID and post-COVID era that has had an impact on housing in my electorate is the number of people who have reported separations. They were previously living in one home, but since the husband and wife have separated, they now occupy two homes. Generally—certainly, among the people I have spoken to—one person remains in the home and the other moves into a rental. Again, pressures are associated with that. It is really significant; the number of people I personally know who fall into that category is in double figures just in Collie, let alone the rest of my electorate. It is a huge issue and not one that government can solve. We cannot solve families separating from each other and their requirement for two households instead of one. All of those things place pressure on the housing and rental markets.

The other big factor in my electorate is private rentals. Certainly, the price of a lot of people’s houses has increased in Collie, and if they have owned the house for a long time, a lot of people are now taking advantage of the ability to sell their house in Collie at a profit. The great thing is that we are attracting new people to Collie, which is fabulous, but when those private rentals are sold, the long-term renters of those houses are displaced. As a government, we cannot say, “Don’t sell your house.” We cannot control that. I am starting to build the picture of what is happening in my electorate to create the situation that is compounding the issue.

The other issue I want to discuss briefly today is the large number of older people coming to our electorate office who say that they are now at risk of homelessness when they had not been before. Sometimes, their housing is being sold and they are asked to move out. One constituent contacted us from somewhere else in the electorate to say that their son owned the home that they had rented from him as long-term tenants for the last 30 years. The son had decided to sell the house, and they could not afford to purchase it from him, so they came to our office to find out how they could register for the social housing list. That is a really complex issue for which there is no easy solution.

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That is why I am starting my contribution with the fact that these things are, more broadly, community issues and not just issues for the Minister for Housing to solve. It takes a concerted effort from a large number of people. Community housing organisations are doing some amazing work in my electorate. I will talk about those things shortly. We really appreciate and understand the Minister for Housing's extraordinary effort to come up with solutions to these important challenges, and important ways to make sure that people have a roof over their heads. In terms of the changes themselves, as I said, the member for Geraldton covered those very well.

I will highlight a few key points about rent bidding. A number of people have registered their concern about the practice. The amendments contained within this bill will attempt to stop it happening. The sole impact of rent bidding is to drive the rental prices up within areas. All of a sudden there are people who are bidding over and above the range of rental prices, driving the bidding up to the point at which the person who can pay the most, secures the rental. What happens to the people who cannot afford to pay that? We have reached a point at which three years ago the same house could be rented for hundreds of dollars less. It is a significant issue and challenge.

I also want to talk about reducing the frequency of rent increases, and the important amendment to reduce them from six monthly to 12 monthly. That means that families can budget for their costs over a 12-month cycle. If members are anything like my family, they will budget for 12 months. We work out our bills and our discretionary spend and we work to that. People will be able to plan for a yearly rental increase, which gives them security—certainly in terms of their ability to meet their costs—and it will also mean that they can budget for other things, including education for their kids or paying for their health insurance and other things that are incredibly important when raising a family, particularly when there are cost-of-living pressures.

The other day I was reflecting on the huge number of people in my electorate who are hardworking, often blue-collar workers and the backbone of our regional communities. I was thinking, “How on earth can you be a mechanic in a family with a couple of kids, and you are asked to pay \$600 a week rent on a property?” There might be someone in the family who is a mechanic and someone who is a hairdresser. I think paying that amount has happened only in the last three or four years. That is really tough. I do not know how people can stretch their dollar. I see a lot of things on Facebook, such as social media posts about people coming up with new and innovative ways to cook and to make their dollar go further. I went shopping at one of the big chain supermarkets the other day, which I will not name here. I came home with two shopping bags and it whacked me \$180. I got home and I thought, “What on earth did I buy?” They were only everyday essentials.

Cost-of-living pressures are significant for many people. When people are on fixed wages, it makes things incredibly difficult. This initiative will mean that families can budget across 12 months, which will give them surety and certainty that they can continue to pay rent for their family. I reflected on wages and I note that in 2022, the amazing Sally McManus spoke about how wages are fixed and were fixed under a previous Liberal government. I thought it was really interesting. I will read a quote from her in a media release. She refers to how Peter Dutton would be able to change the course on wages. She says —

“A decade of the Liberal Party refusing to act to generate wage growth, improve job security or make workplaces safer and more equitable for women has weakened our economy and left millions of workers going backwards.

“As the new leader of his party Mr Dutton has a chance to leave behind the failed policies of the last Government and embrace policy settings that will build a stronger and more inclusive economy and workforce.”

The question that Sally McManus is posing is: what can Peter Dutton do? Here is an idea that Anthony Albanese came up with a couple of weeks ago: we can adjust the stage 3 tax cuts, and he has. Interestingly, on 30 January in my regional newspaper, the *Bunbury Herald*, there was an article titled “What Labor's stage three tax backflip means for Bunbury”. One would take it as a negative connotation in that headline. The article states —

The average Bunbury resident can expect to be \$600 better off after the Federal Government's decision to backflip on an election promise to leave stage three tax cuts untouched.

According to data from the 2021 Census more than 63 per cent of Bunbury residents aged over 15 will benefit from the tax cut reforms.

This is a way that the federal Labor government is addressing issues around wages and tax cuts. Obviously, if people increase their wages or they have a tax cut, it means that they will have more money in the family budget to pay all those things that are incredibly important to pay, including the rent if they are renting or the mortgage in the case of home owners.

I want to touch on a couple of personal renting experiences because they highlight some of the reasons that I so strongly agree with the amendments in this legislation. I was a teacher in Tom Price for a couple of years. I was a Government Regional Officers' Housing tenant, so I obviously rented in that situation. My housemate and I were

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stalked by a man—I would not call him a gentleman—who lived in the town at the time. He would knock on our window at night-time, and if we left the blind up in the living room, he would take photos of us through the window. If we left the back door unlocked or unlatched because there was no security screen on it, he would let himself in. We would hear someone going through the cupboards in the house at five o'clock in the morning and it would turn out to be him. He also used to feed our dog for us, which was interesting. We approached GROH and asked whether we could please get some security screens put in and some security lights put out the front. The agency was very obliging and did that for us, which made the house safer for us to live in. That is often why tenants ask landlords to make modifications—to make them feel more secure and safer in rental properties.

I remember a time not long after I had first qualified as a teacher and I was teaching at Mount Lawley Senior High School. I was moving out of a property in the area because the lease had expired. I went on a cleaning blitz for two days, scrubbing all the skirting boards and making sure the carpets were professionally cleaned. When I left, I handed the keys back to the owner and asked to have the bond returned. She refused to release the bond because when she checked the property, she found that I had forgotten to clean the inside of the oven. The house was spotless, but I had overlooked the inside of the oven while I was trying to pack up and move out. That started an issue with the release of the bond. It was incredibly stressful because, as a newly graduated teacher, I was not on a huge amount of money in those days and was also trying to pay off my higher education contribution scheme debt, a car loan and those sorts of things.

[Member's time extended.]

Ms J.L. HANNS: It took me about six months to get the \$400 bond back, which, in the grand scheme of things, is not a lot of money now—I have seen bonds of \$3 000 these days—but it certainly was back then. It was an incredibly stressful experience.

I will quickly finish off by saying thank you to the Minister for Housing because he has made an incredible difference in Collie–Preston. I highlighted the challenges of people who come into my electorate office. The minister listened and has acted, and a number of people are all the better for his policies and very proactive approach to housing, particularly in regional Western Australia.

I will highlight a couple of things. We identified some fabulous Government Regional Officers' Housing homes that were not being used to house regional workers. We were able to get some money to refurbish those units, which were then instead put into Collie's social housing stock. There were six houses, I think, within the first six months of me becoming the member for Collie–Preston. The minister added seven modular homes to that about 12 months later, which are full. The tenants are incredibly happy with their new homes, and very grateful to have the house they were on the waitlist for, which is incredible. The state government partnered with Alliance Housing to deliver the Bridge Street units in Donnybrook, which allows people to age in place. It has nine two-bedroom units and two one-bedroom units specifically built for people over 65. The two criteria were that tenants had to be on the social housing waiting list and did not own their own home. These amazing, beautiful homes have made those people very happy indeed.

The minister was very proactive in the social housing economic recovery package funding to make sure that some maintenance could be done on some of the older social houses. The Shire of Donnybrook secured \$2.9 million to refurbish Minninup Cottages and Langley Villas. One lot of units was built in 1979 and the other in 1986, and very little work had been done on them. The tenants in those properties are incredibly happy, and almost all of them have moved back in after the refurbishments. The older people living in these units feel very secure and happy, and being within walking distance to town, they do not rely on having a car. They can walk in, do their shopping and come home, and have an incredible quality of life.

I will conclude my comments there, but I place on record the Minister for Housing's commitment to making sure that Western Australians can live in affordable accommodation and social housing, and to the community organisations that support this. His work in this area has been outstanding. On behalf of the people who have thanked me for his work, I pass that thanks on to him, and I am very happy to commend the bill to the house.

MS C.M. ROWE (Belmont) [5.27 pm]: I rise with great pleasure to make a rather brief contribution to the Residential Tenancies Amendment Bill 2023 debate this evening. I begin by acknowledging the incredible work done by the Minister for Housing in bringing this really important bill to the house. As we have already heard from a number of members, it will be incredibly impactful for many Western Australians. I feel as though my electorate especially will benefit, and that is in large part why I want to make a contribution. Forty-two per cent of the electorate of Belmont are renters. This issue is very dear to my heart.

It is important that we make sure that we strike a balance between protections for tenants and doing the right thing for landlords. As the member for Collie–Preston said, the majority of inquiries received in my office, with people either walking in, phoning up or emailing at all times of the day and night, are about being deeply distressed about

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the housing situation and the lack of affordable rental properties. I was really sad to see that one of the mums from a school in my area had to move back to her original family home—she is an adult now—in Queensland because she could not find an affordable rental property after the owners of her rental property told her that they were going to be selling their house.

This is an important bill. Extensive consultation was done with tenancy groups and real estate agents and the like. It strikes a good balance, which I am pleased to see. Like other members I, too, have been a renter. I have been on the other side of some pretty interesting real estate agents and their approaches to giving back the bond. That was very illuminating. As I said, this legislation is important because 42 per cent of my electorate are renters. That is around 27 per cent higher than the state average. There are a lot of vulnerable people in those situations. A mum was on the phone to me a couple of weeks ago on a Friday evening and was absolutely beside herself because she and her daughter, who has cerebral palsy, were about to be made homeless. Having been a long-term tenant, they were told that the house they were in would be sold, and they could not find an alternative. She was in the depths of despair. I have not gone through that personally, but I can understand the anguish, as a parent, to be faced with that. I talked it through with her. She asked what the government was doing and I told her that she did not want to hear that because she needed to find accommodation immediately. However, we are doing an immense amount of work. As a number of members have said, this is a complex situation and we are facing a different landscape in the post-COVID era when there has been an enormous disruption to the housing industry. We—when I say “we”, I mean the minister and the Premier—are pulling every single lever available to rectify this situation, including levers that we did not know existed previously, and I think that the Premier and minister absolutely need to be commended for that.

Coming back to the bill, I want to touch on a couple of other points. I will unashamedly say that I am proud that this bill will strengthen the rights and protections of tenants. As the member for Geraldton stipulated, there are inherent parallels between landlords and tenants. It makes people feel vulnerable when everybody knows that there is a housing shortage. Of course tenants are going to be reticent if they want to make modifications to the home or are concerned about other issues and, because of the power imbalance, they will think twice if these protections are not in place. They believe that this legislation is important. The key element of the bill that I would like to highlight and that comes up the most in my electorate is certainly the frequency of rent increases. Other members have touched on this. For most people, it is incredibly stressful to not know whether they will be paying the same amount in rent in six months. In most instances, that is unmanageable if they are on a set low income. A rent increase might be the difference between whether or not they can keep a roof over their head if they cannot accommodate the increase in their weekly budget. The head office of Foodbank of Western Australia is in my electorate. I am acutely aware, as are all members in the chamber, that food insecurity is a major issue. A lot of people are choosing to pay the rent over putting food on their table. There is enormous pressure on the charity sector to make sure that people can provide food for their families. That means that some families are not eating regular meals, which is incredibly distressing. Limiting the frequency of rent increases to once every 12 months is a huge benefit to renters. It will provide them with peace of mind knowing that for the next 12 months they will have to factor a certain amount for rent into their budget. That will give them the budget certainty that the member for Collie—Preston spoke about. I cannot overemphasise how important that is. It will be fantastic for tenants to have that peace of mind.

Providing new processes that will allow tenants to make minor modifications to premises is also important. This will provide certainty for, for example, parents who want to make modifications that allow them to secure furniture onto a wall so that it protects small children or toddlers from having a television or cabinet fall on them. We have seen examples around Australia of deaths resulting from such things, so I am incredibly proud that we will be incorporating and enshrining that in this legislation. It is incredibly impactful. The other element will be allowing people with disabilities to make minor modifications to make a property more accessible. I think that is absolutely important.

A lot of people have talked about allowing tenants to keep pets. In most premises, the lessor is permitted to refuse consent only in certain circumstances or with the approval of the commissioner. The fact that the circumstances will be prescribed will give both landlords and tenants an understanding of and insight into those parameters and whether a tenant will be able to continue to have a pet or not. I have seen heartbroken families in my electorate who have had to surrender pets because they were moving into a new rental home and were told they could not have those pets. That was part of the reason my children were able to strongarm me into getting guinea pigs—long story, but they were surrendered. They are now happily living in our place in Kewdale. That is a big issue. There are many families right across Western Australia, Australia and indeed the globe who love pets and do not want to forgo a pet for the sake of having a roof over their heads. We have also listened to the concerns of landlords, so there are provisions regarding animals that create a nuisance and things like that. I think that strikes a good balance. The other element that I want to highlight is that having a guide dog or therapy animal is a major consideration as well.

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Other amendments that are very important are the provisions that will allow tenants to make prescribed modifications for the purpose of preventing a person from entering residential premises. This is important when we face the huge problem of the scourge of domestic violence on our community. We want to make sure that we are doing our bit to protect victims, who are mostly women and children, from perpetrators. If there is a situation in which the tenant needs to make minor modifications to make the premises safe because they are at risk of family and domestic violence, that is something they will be allowed to do under this legislation, which is great.

Touching quickly on the issue of rent bidding, I think the fact that we are now prohibiting the solicitation of rent bidding is a sign of the times. Rent bidding has come to my attention constantly as one of the reasons that people simply cannot get a foot in the door. They go to inspect a home or an apartment and there will be up to 20 people there, and they will hear people bidding against one another well beyond the advertised price. We need very clear boundaries and rules to ensure that this type of thing does not happen. It has been a big factor in exacerbating the housing shortage, especially for people who have limited or low incomes and do not have the capacity to outbid someone for rent. It is just not possible for them. These measures will be fantastic because they will protect the rights of renters in a really sensible way. They are big, radical reforms. Not everyone will agree with them, but I think everyone should in light of the severity of the housing crisis that we face. I think we should all put our shoulders to the wheel to look for ways to alleviate this problem. Everybody needs to have a roof over their head.

It speaks to the gravity of the situation in the eyes of the Premier and the government that we are looking at every opportunity to make it easier for people to find and secure housing. The government has a quite extensive track record of doing things to address this issue and support Western Australians, including, of course, the \$24.4 million WA rent relief program, which offers financial assistance to households at risk of being evicted. The program provides rent relief to those most in need. It is addressing situations in which, if support were not provided, people potentially could become homeless. Under that program, a payment of up to \$5 000 is used to pay rent arrears to prevent people from being evicted. This program was introduced just before Christmas and payments started pretty much straightaway. As of 16 February—only last week—109 households had been provided with rent relief, totalling \$450 000 in support. That is real and measurable support. Those 109 households did not end up homeless because of our rent relief package.

I want to highlight a couple of other things the government is doing. We established an interest-free loan facility to help residential builders complete unfinished properties. The builders' support facility will provide interest-free loans to support eligible residential builders to complete homes that have been under construction for more than two years. A maximum of \$300 000 will be available to each eligible build.

We are also investing a record \$2.6 billion in housing and homelessness, which has already delivered more than 1 650 social homes, with more than a thousand currently under construction. That is just massive.

Mr J.N. Carey: It is more than 1 900.

Ms C.M. ROWE: There we go; the minister has just given a live update. It is now 1 900 social homes. That is fantastic. I think that is more than any other government has done. We are accelerating social and affordable housing supply by investing \$150 million in grants for community housing across the state. Of course, we are now introducing this bill, which will limit the frequency of rent increases from once every six months to once every 12 months; prohibit rent bidding; strengthen the rights of renters to have pets; enable tenants to make amendments to their rental homes to make them safer for small children, such as by securing furniture to walls; and also, and most importantly, enable tenants to make their homes safer if there is a risk of family and domestic violence. I cannot speak highly enough of these reforms and I am more than happy to commend them to the house. They have been a long time coming. I am really proud of all the efforts of our government and, most especially, the Minister for Housing.

MR J.N. CAREY (Perth — Minister for Housing) [5.44 pm] — in reply: I am very pleased to speak to a number of the issues raised in the debate on the Residential Tenancies Amendment Bill 2023, and also to quickly give a broader context. I note that our government is focused very squarely on the cost of living, health and housing, and we are resolute in our focus. I note that the opposition, which says that housing is so important, has one person in the chamber. Where is the Leader of the Liberal Party, who says that housing is a critical issue in Western Australia? This is really important legislation and there is only one member of the opposition here. The Leader of the Liberal Party is not here. I think it is very telling; it is reflective of an opposition that has no policies.

I want to say this again: we face an extraordinary situation whereby the Liberal Party and the Nationals WA have not released one policy on social housing—not one! They have not released one policy on homelessness or social housing. What reality do we live in? That is arrogance. They are out of touch. They plead and say that it is an issue, and yet they offer no solutions to the Western Australian people. But I tell members what they do: they attack everything that we announce. Hon Steve Martin should hang his head in shame. He not only has no policies, but also attacks everything that we announce—and the opposition wants to be an alternative! But it is not just that. We

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are seeing a raft of new Liberal candidates around the corner who are actively opposed to social housing. They are actually opposed to planning reform and cutting red tape for housing. They are opposed to homelessness services.

It is really just shrillness on the other side. On the one hand, members opposite talk about concern for the rental market and social housing, and yet on the other they knock everything we do and do not have one policy solution. I think that they are actually going to be in a very difficult space, because they criticise all the measures that we have done. I want to say this: we understand and take very seriously the current pressures on the housing and rental market. We understand that COVID has radically reshaped the market, and, like every state, Western Australia has significant housing and rental pressures. We are deeply cognisant of what is happening in Western Australia and how it is affecting people's cost of living, and we are throwing everything at it, in so many ways, from every different angle. I will quickly go through it, because all this affects the rental market.

Our planning reforms are leading the country. It is leading to cut red tape, from major density developments to single homes. I note that the member for Cottesloe has been de-preselected, but he is still criticising and actually making stuff up, saying that high-density development can be approved by a shire CEO. That is wrong. It is obvious that the opposition does not even understand basic planning reform. We have reformed the legislation on granny flats, which Hon Steve Martin criticised, which has made it easier for people to build granny flats. That is apparently wrong. We have created the rental relief scheme to keep people in housing, which is critical. I think that members opposite criticised that. That is a \$24.4 million scheme. As of Friday, 16 February, 109 households had been provided with rent relief, with \$450 000 in support. We discussed that today, and I will come back to some of the comments that were made by the lead speaker for the opposition.

We also have the short-term rental accommodation incentive scheme, which is about providing a financial incentive to move short-stay accommodation across from the Airbnb market and others to rentals. As of 18 February, there were 119 applications. Of these, 90 have been completed and submitted and the remaining 29 are in progress. Payments can be processed for eligible applicants once proof of a tenancy agreement has been provided. To date, 48 grants have been paid. That is 48 homes that were previously not available to the rental market. Again, the opposition attacked that. In fact, I think it was the Nationals WA spokesperson who said that this would damage the tourism market. Members opposite do not know who they are or what they stand for. This is a good scheme that is providing a boost to the rental market.

We have also created the infrastructure fund. We understand that it is difficult to get density and infill developed, given the cost escalations. We have created an infrastructure fund through which we are funding the headworks for apartments and key worker accommodation. We have been rolling out those funds. We have brought in a range of tax incentives, including build-to-rent tax incentives, to get developments working and moving. We have brought about up-front concessions to drive density and affordable living through apartment construction. We have reshaped our Keystart policy to make it better in terms of costs for mortgagees; people will save money as a result of the changes we have made to the Keystart policy. We have created a new Urban Connect home loan product, which again is about trying to create demand to enable people to buy affordable apartments.

There is a huge number of different changes and reforms that we are driving to boost housing supply and provide relief to the rental market. Of course, there is also our record investment in social housing and homelessness; we have invested \$2.6 billion over four years. We have accelerated the delivery of social housing, including prefab, modular and small homes. We have created small and medium builder panels so that there are pre-approved small and medium builders that are able to get those houses out more quickly.

We are also looking at existing surplus government housing. As we heard from the member for Collie–Preston, there is regional government housing that was used for workers and is now surplus to need. We have renovated those properties and added them to the social housing market. We are using lazy government land through the housing diversity pipeline. This was always going to be a longer term project, through which we identify land and work with community housing providers or the private sector to use it to create affordable social housing. Only today we saw some of the fruits of that labour; the Pier Street development will see 219 apartments being made available, 50 per cent of which will be affordable and social housing. This is the largest build-to-rent project of affordable and social housing in Western Australia.

We have created a call-for-submissions process that basically says to the community housing sector, non-for profits, local governments and the private sector: tell us your projects, and we might be able to fund them for social housing. We are getting some of those projects locked in. We have provided \$150 million for community housing organisations so that they can fund new housing. Of course, all this, again, is about building and boosting housing supply, understanding that housing is a continuum and that in our tight rental market any additional housing through any lever is absolutely critical. I stand by our record of all the reforms that we have been introducing to boost housing supply.

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On the homelessness front we have been driving innovative programs. We are investing \$225 million this year in 130 homelessness services. We have set up new transitional accommodation, the first Aboriginal-run accommodation, Boorloo Bidee Mia on Wellington Street and Koort Boodja on Money Street. We purchased the Murray Street Lodge and converted that hotel to more supported accommodation run by Vinnies. We have created the supportive landlord model that is an innovative model by which Housing Choices, the community housing provider, is the landlord. We buy the home, they provide some homes and rough sleepers directly transition off the street into housing with the support of Housing Choices, supporting their tenancy and getting them access to the services that they need. We only created that program in January last year. To date there are more than 70 homes—I think around 75 or 77—supporting more than 110 individuals who were previously sleeping rough. They are extraordinary figures when we think about the time the program has been running. Based on the success, we are extending the program to the regions. We have gone out to look for providers and buy houses in Geraldton to start the program there. We have also provided a range of other money and funding boosts—in fact, nearly \$48 million, only announced this year, to boost a number of homelessness services and provide a real lift in the funding of critical services. Everywhere we look this government takes very seriously rental and housing pressures.

I note that the lead speaker of the opposition referred to comments I made. He only read part of the comments out, which is the trick of the opposition. It does that when it does not have one social housing or homelessness policy. The member read out the following article —

The minister responsible for delivering the long-awaited reforms, Sue Ellery, acknowledged as much when she announced the changes alongside Housing Minister John Carey.

Both pointed to the fact that only increasing the number of rentals on the market would drive down prices.

“We are using every lever we can to accelerate the delivery of housing in Western Australia,” Mr Carey said.

I went on to say —

“Planning reform to streamline infill development, stamp duty concessions for affordable apartments, a new infrastructure fund to subsidise and get apartment development going.

The point I am making is that I did not say this legislation was about boosting housing supply; I have gone through all the reforms. The point I was making in the article is the raft of all the other reforms we are making to drive supply.

Why is this legislation important? It has been a long time coming. There has been a significant review, work and consultation, but at its heart, the reality is that we need to modernise our rental laws and we need to provide some greater protections for renters, particularly in this time of great uncertainty. It makes sense. We also understand that it is about providing balance—understanding that the majority of landlords would own one home that adds to the rental market. It is a very fine balance. The government took those considerations very seriously in reviewing the rental laws. We took it very seriously. The lead speaker for the opposition suddenly appeared to be suggesting that somehow by strengthening some of the protections for renters, we would be driving landlords out of the market. That was the summary. He said “constituents” but he could not provide me an exact example. That is a classic opposition technique. The lead speaker referred to comments on Facebook, saying he “saw a comment on Facebook”; I kid you not. Surely the level of parliamentary debate is stronger than referring to comments on Facebook. We have considered this legislation in detail, and we believe that we have the balance right.

The Real Estate Institute of Western Australia believes that we have the balance right —

REIWA CEO Cath Hart today welcomed the McGowan Government’s announcement of rental reforms, saying they struck the right balance.

...

“Investors make up about 85 per cent of the private rental market—and the majority of investors only have one property.

...

“The reforms announced today strike the right balance for owners and tenants.

The article talks about the reforms to limit rent increases to once a year. I quote Cath Hart again —

“We understand the difficulties facing tenants at the moment and that the Government needs to strike a balance between investors and tenants,” ...

About pets and modifications, she said —

“Investors generally want two things: the rent paid on time and their property taken care of,” ... “Meanwhile, tenants want to be able to make the house a home and have the freedom to own a pet.

Mr Peter Rundle; Mr David Scaife; Ms Lara Dalton; Ms Jodie Hanns; Ms Cassandra Rowe; Mr John Carey; Mr David Templeman

“Many investors do approve and welcome pets ...

...

“When it comes to modifications, our previous research has shown investors are not hesitant to approve minor modifications, but their main concern is rectifying any changes at the end of the lease.

It finishes on this —

“Whether you’re an investor or a potential investor, today’s announcement means you can now make an informed decision knowing the rules of the game.

I note for the record that REIWA strongly endorsed our rental relief scheme. The lead speaker for the opposition said there are concerns that this might drive landlords out of the market. The head of REIWA, which represents property owners and landlords, is endorsing our balanced approach. We still do not know from the lead speaker who those mysterious people are who have expressed concerns when the critical advocacy organisation is saying the government has the approach right. I think it is disappointing. There was even an article today that showed there has been growth in Western Australia for investors. The figures show that for mortgages for investors, Western Australia is still a place of significant interest. That has both pros and cons. Investors are coming here because, in comparison with the east coast, Western Australia is still relatively affordable. As a government, we also understand that puts pressure on housing prices so it is a double-edged sword. There is no demonstration that landlords are leaving the market because of the fear of these reforms or changes. In fact, there has been some research about the impact, which is very useful. It states that the relationship between residential tenancy policy and investment in the rental sector was addressed in a November 2022 report by the Australian Housing and Urban Research Institute

The report looked at the patterns of investment and disinvestment in the rental sector to determine their cause and found that there was no evidence of disinvestment in the rental sector in response to two tenancy law reform episodes interstate. It found that tax policy or incentives and financial regulations, rather than tenancy law, were more likely to influence the number of properties in the private rental market. I suspect that the only other disincentive for potential landlords could be successive interest rate rises. We have seen 13 successive interest rate rises, which we know are putting pressure on all families, including those mums and dads who may have one property.

I also note that the lead speaker for the opposition raised concerns about damage caused by pets and whether the proposed reform would disincentivise landlords from advertising properties for rent. I am advised that there will be no penalties for this. I think the member was in the bill briefing. What would be the implications of it? There will not be a penalty for this. What if the damage exceeds the bond? I think the member talked about a big dog. If the damage repair and cleaning costs required at the end of the tenancy exceed the bond, the landlord may ask the tenant for the remainder of the cost; and, if there cannot be an agreement, a claim could be made in the Magistrates Court against the tenant. This is the usual procedure.

The lead speaker also expressed concern that the modification clause may push away landlords. We already heard from the Real Estate Institute of Western Australia that that will not be the case. I am happy to go into detail, but we believe that these changes are sensible. I want to come back to the thrust of these reforms because the opposition has heavily focused on landlords. As the member for Cockburn picked up, it was “Landlords, landlords, landlords!” The national cabinet agreed on an approach that is about securing a better deal for renters and providing a sense of security given the current market. Some of the critical areas, as have already been discussed by many of our members, include a ban on soliciting rent bidding, which we all agree is a commonsense approach; no more than one rent increase a year for a tenant in the same property, which is about providing certainty to the tenant; and strengthening protections against retaliatory eviction notices. I think people recognise that in some cases the relationship between a landlord and a tenant breaks down and a landlord may seek to take retaliatory action. We want to address those concerns.

I will leave it there so that we can go into the consideration in detail stage, but I reiterate that our government has never made the claim that this bill is about boosting housing supply. I have gone through all the other initiatives that we are doing to boost housing supply and provide relief to the rental market. This legislation is in line with the national cabinet’s agreed approach, which is, in part, about providing greater security to renters at this time, which we acknowledge is a very stressful time. We hope the opposition also acknowledges that. It is also about providing balance and ensuring that we get it right so that mum-and-dad investors, who make up the majority of the market with their one property, continue to stay in the market and be a critical part of providing housing supply.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Mr Peter Rundle; Mr David Scaife; Ms Lara Dalton; Ms Jodie Hanns; Ms Cassandra Rowe; Mr John Carey; Mr David Templeman

Clause 1 put and passed.

Clause 2: Commencement —

Mr P.J. RUNDLE: I want some clarity over the final sentence about clause 2 in the explanatory memorandum that says the flexibility to fix commencement dates by proclamation is therefore required. Is there any prediction of when those dates of proclamation will happen? Can we have a bit of an explanation and some clarity there?

Mr J.N. CAREY: The first part of the answer is that these provisions will come in in stages. Some of the provisions do not require regulations, so they are likely to come in soon after royal assent; for example, some provisions relate to administration and rent increases and rent bidding. However, we will have ongoing consultations, as we have flagged, with stakeholders including the Real Estate Institute of Western Australia on the development of other regulations.

It will effectively be in three phases, and, as I have said, some provisions will commence as soon as the bill passes. Phase 1 includes technical amendments, the disclosure of bond data, rent bidding and retaliatory action. Phase 2 will commence in mid-2024 and relates to pet and minor modifications, but that is the time we aspire to and is based on consultation on the regulations.

Mr P.J. RUNDLE: The minister spoke about his aspiration that mid-2024 would be the time for the pet and minor modifications provisions. Is that as part of the regulations? Is the minister predicting that the regulations will be wrapped up by mid-2024?

Mr J.N. CAREY: Clearly, I am the minister in the lower house and not the Minister for Commerce. I will not pre-empt a finite time frame because regulations have to be consulted on. I know that the minister takes those consultations seriously. There is obviously significant interest in modifications and pets. That is the aspiration. Also, supportive work will be required for the introduction of those regulations. To date, given the Real Estate Institute of Western Australia and other stakeholders' serious engagement, when meeting stakeholders my sense so far is that they are pleased with the process and level of consultation.

Mr P.J. RUNDLE: My information is that there has been very little consultation about regulations. I am concerned about whether we will see these regulations come through in this term of government.

Mr J.N. CAREY: I do not know who the member is speaking to, because if REIWA did not like the bill, it would not have put it in its media statement and made it public. I am talking about the broad consultation for the bill and engagement by the minister. The minister has committed to ongoing consultation on the development of the regulations. If there were a concern, surely REIWA would have put that in its media statement. It did not and it has not said anything since. We will be developing those regulations, and the aspiration is for mid-2024.

Mr P.J. RUNDLE: Can the minister clarify the third part of what he said? There were three stages.

Mr J.N. CAREY: The third part will commence in approximately early 2025 and will implement the new bond release processes. These changes will require the development of new processes and upgrades to IT systems.

Mr P.J. RUNDLE: Given the election in March 2025, the writ period and the like, will that process come to a standstill during that period? I do not have any experience with that, so I am interested.

Mr J.N. CAREY: No, because regulations will be put in place. For example, upgrades to IT systems are not decisions of the minister. That is supportive work.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 3 amended —

Mr P.J. RUNDLE: I would like some clarity on the definition of “assistance animal”. This is quite an interesting subclause because I could see a scenario in which a tenant could claim a certain dog, cat or whatever it might be as not an assistance animal but as a support for their mental health, if you like. Can the minister please clarify firstly on how wideranging “assistance dog” as defined in the act or “assistance animal” is in that particular scenario?

Mr J.N. CAREY: The definition of “assistance animal” is modelled on the definition used in the commonwealth Disability Discrimination Act 1992. The definition also includes references to an assistant dog as defined by the Dog Act 1976, which provides —

assistance dog means a dog —

- (a) that is trained or is being trained by a representative of an organisation that is prescribed for the purposes of this definition; or

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- (b) that is trained or is being trained by an individual having the qualifications and experience prescribed for the purposes of this definition; or
- (c) that is assessed by a person mentioned in paragraph (a) or (b) as being competent to be an assistance dog; or
- (d) that is being assessed by a person mentioned in paragraph (a) or (b) to decide whether the dog is competent to be an assistance dog; or
- (e) that has been approved, for the purposes of a law of another State or a Territory, as a dog whose use can alleviate or manage an effect of a person's disability or medical condition; or
- (f) that is approved by the CEO for the purposes of this definition.

Overall, the key element of the definition is that an assistance animal must be accredited or trained.

Mr P.J. RUNDLE: I thank the minister for that. If a tenant makes a claim such as “Yes, I need my dog here. It provides mental health support for me” but that dog is not an assistance dog that has been trained by an accredited animal training organisation, will that claim have any grounds? Is there some scenario in which that person could go to a psychologist to get some sort of documentation to support their claim?

Mr J.N. CAREY: It is a pretty standard definition. The dog must be an assistance dog or a trained dog.

Mr P.J. RUNDLE: Under this scenario, is the minister ruling out the viability of any claim made by a tenant that an animal provides mental health support to them?

Mr J.N. CAREY: We imagine that there would be scenarios in which there could be someone with an assistance dog for a particular mental health or other medical condition.

Mr P.J. RUNDLE: I refer to clause 4(1)(c)(ii). It states that an animal must be trained “to meet standards of hygiene and behaviour that are appropriate for an animal in a public place;”. Can the minister tell me who defines that and what that behaviour actually is?

Mr J.N. CAREY: The wording is taken from and modelled on the definition of an assistance animal used in the Disability Discrimination Act 1992.

Mr P.J. RUNDLE: Can the minister clarify the standards of hygiene and behaviour that are appropriate for an animal in a public place; can he give me an example of that?

Mr J.N. CAREY: I am really struggling to understand the member's point. The definition of a trained animal or assistance dog is based on the Disability Discrimination Act 1992. Can the member clarify the concern he has here? What is the risk? The member appears to be challenging the definition set in the Disability Discrimination Act 1992.

Mr P.J. RUNDLE: I am not challenging anything. All I was looking for was an explanation of what the appropriate behaviour for an animal in a public place is. That was all I was asking.

Mr J.N. CAREY: I am not an expert on the training of assistance dogs, but one could assume that it relates to, for example, the dog not being aggressive when in an environment with other people.

Mr P.J. RUNDLE: I will now move on to the definition of minor modification, which states —

... in relation to premises, means a modification to the premises of a minor nature prescribed for this definition;

Can the minister give me some clarity about that? Is there a list or will it be detailed in regulations down the track and we have no idea what those minor modifications will be?

Mr J.N. CAREY: As the member mentioned, minor modifications will be developed in consultation with stakeholders and prescribed in regulations. This is a similar approach to that taken in other states, such as New South Wales and Victoria. The types of modifications that are prescribed in other states and will be considered in WA, based on consultation, are picture hooks, LED light bulbs that do not need new fittings, curtains, adhesive child safety locks, painting a room in the premises, vegetable or herb gardens, and flyscreens on doors and windows.

I note that this will be subject to consultation with a range of stakeholders, and the minister will carefully consider what is appropriate in Western Australia.

Mr P.J. RUNDLE: I move on to the definition of original condition. It states —

- (b) in relation to residential premises that have been damaged — the condition of the premises before the damage occurred, fair wear and tear excepted;

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If possible, could the minister give me some clarity on that paragraph as well? The member for Cockburn gave us an explanation of his property and the fact that he had taken photos, but the landlord had lost the original condition report et cetera. Can the minister give me some clarity?

Mr J.N. Carey: Which page are you looking at?

Mr P.J. RUNDLE: It is page 5, paragraph (b), at the top—on my copy, anyway.

Mr J.N. CAREY: This definition is to provide clarity of what is meant by original condition. I would say that I think it is very well crafted. It states —

... the condition of the premises before the modification was made, fair wear and tear excepted ...

It is about providing a very clear definition of original condition.

Mr P.J. RUNDLE: I move on to the definition of personal information. It states —

... (including an individual's name) or an opinion, whether true or not, about an individual whose identity is apparent ...

Can the minister explain to me why there is not an explicit need for the information to be true?

Mr J.N. CAREY: This is about protecting a person—I think the member has flipped it. Whether the information is true or not, we want to protect that person from any potential damage. Does that make sense?

Mr P.J. RUNDLE: It does not really make sense, to be honest. I cannot see the purpose of having a sentence stating “information ... or an opinion, whether true or not, about an individual”. That is what I consider to be a pretty bizarre definition.

Mr J.N. CAREY: I am trying to decipher this for the member. Proposed section 11AA(2) states —

The bond administrator may disclose bond information, including personal information, to a relevant entity to the extent the information is required by the relevant entity in the course of the entity's duties or functions.

That information or personal information could be an opinion; it may be true or not true. It should still be trying to protect the person. For an example, a claim may be made about a tenant, and it may be true or untrue, and what we are saying is that the personal information should still be protected, or it can be disclosed to the relevant authority.

Mr P.J. RUNDLE: Thank you, minister. I will not push the friendship any more. I think the drafting of that particular paragraph could be improved. I will move on to the next one, which is proposed section 3(1), and states —

pet means an animal other than an assistance animal;

When we are talking about small units, townhouses, whatever you like, the definition of a pet can be integral to this whole legislation. What is the general definition and what animals fit within that? Is it a goat or a pig or a snake? Is there some sort of definition that will limit the number of animals that fall within that pet category?

Mr D.A. Templeman: I suppose my ferrets are out of the question. I am quite fond of my ferrets. Basil and Cyril are their names.

Mr J.N. CAREY: Mr Acting Speaker, could I seek your protection from the Leader of the House?

Mr D.A. Templeman: I love my ferrets.

Mr J.N. CAREY: Yes, member, it is deliberately a broad definition, so it could apply to all pets—including the Leader of the House's ferrets. Obviously, there is some framework for that in the legislation. In addition, there could be regulations based on consultation to further guide that.

Mr P.J. RUNDLE: We can explore this further down the track. One general question is: is there a size issue? Are we looking at cattle? Could a cow roam the backyard of someone's property? That is part of the question. Is there some sort of answer to that?

Mr J.N. CAREY: That is a good question. Of course, there is an acknowledgement that a tenant will not be permitted to keep a pet in every situation. If someone owned an elephant—that is probably illegal, but let us use that as an example for this purpose—obviously it would not fit in most circumstances. There is a recognition that it is not intended that these laws will place an unreasonable burden on landlords. Every situation will be determined on a case-by-case basis. This is quite important for small apartments. As the member for Perth, my electorate has the most apartment buildings of any electorate. Often strata by-laws will say that tenants are not permitted to have an animal—for example, a dog—in the apartment, so obviously that will apply. In many cases, there are already clear rules in apartment buildings—either yes or no. If not, the lessor may apply to the commissioner to refuse a tenant's request on the basis that the premises are unsuitable for keeping a pet. The application may be successful, but it will depend on the specific details. The landlord could go to the commissioner to refuse the request to keep a pet.

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If someone wanted to keep a miniature pony in a one-bedroom apartment in Perth—that is a ridiculous scenario, but obviously there could be other scenarios—the commissioner could back the landlord and refuse the request.

Mr P.J. RUNDLE: This is slightly off the track, but now that we have introduced the issue of larger animals, does the legislation provide any distinction between an apartment in North Perth and a rural property that might be able to sustain a large animal in the backyard?

Mr J.N. CAREY: That is a very good question. I have a terrific policy team here. Effectively, if the commissioner makes a decision, then they will give the reasons for the decision. As the member knows, that starts setting a clear precedent. The commissioner may also issue guidelines, which will provide some clear guidance. I know this is a new system, but I think, over time, it will become very evident. It still comes down to a case-by-case basis, but there will be reasons for a decision. I think it is likely that the commissioner would consider some set of guidelines.

Mr P.J. RUNDLE: I think I will leave it at that and discuss pets a little bit further down the road.

Mr J.N. CAREY: Yes, there are plenty more areas.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 8 amended —

Mr P.J. RUNDLE: The explanatory memorandum refers to clause 6 amending section 8 to allow for the commissioner to publish guidelines. Can the minister enlighten me as to who has been publishing the guidelines prior to this bill, or is this just to fix a legal technicality?

Mr J.N. CAREY: Good question. The commissioner already provides information; for example, I am advised, a landlord's tenant handbook. The guidelines will be another way of making information public to inform either a tenant or landlord's application to the commissioner. It will make the process clearer and easy to understand. I suspect, with guidelines being published, a landlord or tenant may not proceed with an application, or seek an alternative resolution.

Mr P.J. RUNDLE: Will this particular commissioner function be for a person totally new to the department, or is it someone who already partially has a role there at this stage? If the minister could provide some explanation on that.

Mr J.N. CAREY: It is already defined under the statutory act. It is an executive director of the agency.

Mr P.J. RUNDLE: It is already defined under the act, but when the new legislation comes in, will this commissioner role be advertised as a new role in the department, or as a person who might have to have some higher standard qualification with legal expertise and so forth? What will be the cost? I might leave that for the next question.

Mr J.N. CAREY: The view is that the commissioner, given their other functions, would already have the capacity, while recognising that some functions would be delegated to other officers.

Mr P.J. RUNDLE: Does the minister envisage that this new commissioner, or the currently upgraded commissioner, will come at a cost to the taxpayer? Does the minister have any estimate on how that will play out?

Mr J.N. CAREY: I am advised that some additional resources will be required, and that will be considered as part of the budget process.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Sections 10 and 11 replaced —

Mr P.J. RUNDLE: Proposed section 10 states, in part —

- (1) The Commissioner may delegate any power or duty of the Commissioner under another provision of this Act to another employee of the Department.

Will the officer in the department need to be of a certain rank to be given those delegated powers?

Mr J.N. CAREY: The provision allows for it to be any employee. However, because the commissioner wants a well-functioning agency, it will be delegated to a relevant officer who has the necessary expertise and experience.

Mr P.J. RUNDLE: I move to proposed section 11, which states, in part —

- (1) A person is not liable for anything that the person has done, in good faith, in the performance or purported performance of a function under this Act.

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The minister said that he wants those delegated powers to be given to a quality employee. Will this provision protect the department and the commissioner from any liability, despite that they may have delegated those provisions to a person who might not be up to it?

Mr J.N. CAREY: The advice I have received is that this is a standard protection-from-liability clause. It is consistent with other consumer protection legislation such as the Fair Trading Act 2010. Obviously, when framing this legislation, and given that we are creating new functions for the commissioner and delegations, we are looking to the protections provided in existing legislation. This is not new. It is replicating a provision that is consistent with the Fair Trading Act, for example.

Mr P.J. RUNDLE: Proposed section 10(5) states, in part —

A person exercising a power or performing a duty that has been delegated ... unless the contrary is shown.

Can the minister explain whether the terms of the powers of delegation are uniform in nature? The minister just said that it is from other consumer protection legislation and the like, but this legislation refers to delegated powers “unless the contrary is shown”. Can the minister explain that to me?

Mr J.N. CAREY: This is a standard provision on delegation. Under this proposed section, a person who has the delegated authority will not have to prove in every instance that they have that delegation. Proposed section 10(3) states —

The delegation must be in writing signed by the Commissioner or bond administrator, as the case requires.

Mr P.J. RUNDLE: Thanks, minister. Could the minister also clarify why proposed subsection (6) is necessary? Will the commissioner or bond administrator not already have the required powers or duties?

Mr J.N. CAREY: Can the member clarify what he is asking?

Mr P.J. RUNDLE: I am asking why proposed subsection (6) is even necessary.

Mr J.N. CAREY: Proposed subsection (6) will not prevent the commissioner from operating through another officer in the agency, an agent or a bond administrator.

Mr P.J. RUNDLE: I refer to proposed section 11. Is it standard practice to give individuals and the state this level of legal indemnity?

Mr J.N. CAREY: Yes, it is.

Mr P.J. RUNDLE: I have a final question on proposed section 11 in clause 8. Will proposed section 11(3) make this legislation retrospective in any way?

Mr J.N. CAREY: No.

Mr P.J. RUNDLE: There will be a no-man’s-land period in which disputes might happen between the time the legislation is gazetted and comes into force. Will those disputes continue to be wrapped up under the previous legislation or will they roll over into the new arrangements?

Mr J.N. CAREY: The member can ask me that question, but it relates to a different part of the bill on transitional arrangements.

Mr P.J. RUNDLE: Okay. Thanks, minister.

Clause put and passed.

Clause 9: Section 11AA inserted —

Mr P.J. RUNDLE: I refer to the definition of “bond information” under proposed section 11AA(1). Proposed paragraph (b) states —

a tenant compensation bond payable under a tenant compensation order;

Can the minister explain that?

Mr J.N. CAREY: A tenant compensation bond is when compensation is given to a tenant when the landlord has not met their obligations.

Mr P.J. RUNDLE: Would the minister be able to give any examples of a situation in which that might arise?

Mr J.N. CAREY: This is a good example. Let us say there is a need for an urgent repair such as a significant electrical safety matter that puts the tenant at risk, the landlord does not respond or engage, despite urgent or repeated requests, and, accordingly, the tenant has to pay for an electrician to come in and fix the matter. It could be a scenario like that in which perhaps an order may be applied.

Mr P.J. RUNDLE: I refer to proposed section 11AA(2), which states, in part —

The bond administrator may disclose bond information, including personal information, to a relevant entity...

Mr Peter Rundle; Mr David Scaife; Ms Lara Dalton; Ms Jodie Hanns; Ms Cassandra Rowe; Mr John Carey; Mr David Templeman

The relevant entities are listed above. Could anyone else potentially come into the mixture as a relevant entity, and what sort of personal information is being referred to in this paragraph?

Mr J.N. CAREY: The relevant entities are only those authorities listed there. They are only the chief executive officer of the department, the commissioner, the Housing Authority or the Magistrates Court.

Clause put and passed.

Clause 10 put and passed.

Clause 11: Part III Division 1 inserted —

Mr P.J. RUNDLE: Once again, I just seek a little clarity. I refer to proposed section 11D, which states, in part —
... a *party* to an application made in relation to a residential tenancy agreement ...

Proposed subsection (b)(ii) refers to a co-tenant. I would like some clarity on whether a co-tenant as referred to in the legislation would have to be listed on the tenancy form, if you like. Would they have to actually be listed on either the periodic or the fixed tenancy form as a co-tenant, or could it be someone who has moved in after the rental agreement has begun and is now residing in the house, but the landlord or the lessor has not been informed?

Mr J.N. CAREY: A co-tenant would have to be someone on the lease.

Mr P.J. RUNDLE: My extension to that question is if the lessor has a problem and the co-tenant is not listed but the tenant says “They moved in and then I couldn’t control their activities”, and all the rest of it, is there any protection at all for the lessor for someone who is not listed but has moved in?

Mr J.N. CAREY: Just to be clear about what the member is asking, this provision relates to with whom the commissioner must communicate. Proposed section 11D(a)(ii) states, in part —

otherwise — known to the Commissioner as a lessor, tenant or co-tenant ...

That is why that part of the provision is there. The member seems to be asking a broader question about someone living in a house who is not on the lease and what responsibility they will have. The advice is ultimately that the tenant on the lease is responsible for that household.

Mr P.J. RUNDLE: I really want to get some clarity about someone who has moved in during a tenancy period. On many occasions the tenant does not update the fixed or periodic tenancy form. That is the example I was looking at.

Mr J.N. Carey: Could you restate that?

Mr P.J. RUNDLE: I was just seeking clarity: if the tenant has not updated the form but someone has moved in, is it a case of, “Bad luck, this is the tenant. You’re the one that signed the form. It doesn’t matter who has moved in between times.”?

Mr J.N. CAREY: First of all, the tenant is liable. If they are the tenant on the agreement, they are liable. Under this provision, if one tenant makes an application, the commissioner is responsible for communicating with all involved parties. If there is another cotenant on the agreement, the commissioner will have a responsibility to engage with them. The member is asking broader questions about people living in households. Respectfully, that does not relate to this provision.

Mr P.J. RUNDLE: I refer to proposed section 11F, “Notice of application and invitation to make submissions”. Proposed subsection (1) states —

This section applies to an application other than a security bond release application.

What other applications, if you like, are potentially covered under that provision?

Mr J.N. CAREY: That relates to the member’s favourite topics: pets and minor modifications!

Mr P.J. RUNDLE: Proposed section 11G(2)(a) states, in part —

provide evidence to support a claim made by the person; ...

How is that claim made? Is it only in writing, or is there some other ability to make that sort of claim?

Mr J.N. CAREY: Generally it would be in writing, but there may be circumstances in which, to accommodate a person, an alternative method could be considered.

Mr P.J. RUNDLE: Proposed section 11G(4) states, in part —

The Commissioner may, in writing, extend the period stated in the notice.

Is there any limitation on how long they can extend that for?

Mr J.N. CAREY: No, it is to provide some flexibility.

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Mr P.J. RUNDLE: I refer to proposed section 11H(1), which states —

Penalty for this subsection: A fine of \$10 000.

Is that the only fine? Is that a maximum fine or can there be a lower fine?

Mr J.N. CAREY: That would be the maximum penalty, and it would be up to the court to decide what level.

Mr P.J. RUNDLE: I refer to proposed section 11K “Commissioner may publish decision and reasons”. Proposed subsection (2) states that a published decision must not include information that could identify or lead to the identification of the individual or the premises. How will a decision be published without leading to identification?

Mr J.N. CAREY: We would redact.

Mr P.J. RUNDLE: I refer to proposed section 11L(1)(a), which is about the commissioner considering the application cannot be decided on the information available to them. Why would a magistrate have more information? If the commissioner cannot decide on the information available, why would the magistrate have any more ability to decide?

Mr J.N. CAREY: The member is coming to the heart of the legislation. Currently, these matters go to the Magistrates Court. I suggest that creating and giving power to the commissioner seeks to resolve minor matters, but very complex cases would go to the Magistrates Court.

Mr P.J. RUNDLE: I am at the end of clause 11. I refer to proposed section 11L(1)(c)(ii), which is about the commissioner considering that the amount in dispute is more than the amount of the security bond. Can the minister clarify whether that would be in relation to a pet or pets doing damage that adds up to more than the pet bond and the security bond together?

Mr J.N. CAREY: It relates to any damage or matter that is beyond the bond.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Section 12 amended —

Mr P.J. RUNDLE: I understood we might be finishing at seven o’clock, but nonetheless.

Mr J.N. Carey: We are going to keep on going.

Mr P.J. RUNDLE: I have quite a lot of questions.

Mr D.A. Templeman: We will do a few more.

Mr P.J. RUNDLE: Yes, we can do a couple more.

Clause 13(2) relates to prescribed disputes. If the minister could give me some examples of what a prescribed dispute is, I would appreciate it.

Mr J.N. CAREY: A prescribed dispute just reflects existing definitions. It is up to \$10 000.

Mr P.J. RUNDLE: Proposed paragraph b(i) refers to an application to the Magistrates Court in relation to the bond release application —

... regardless of the amount of the security bond the subject of the application;

Is there a minimum or is it up to \$10 000?

Mr J.N. CAREY: There is no minimum.

Mr P.J. RUNDLE: I refer to proposed section 13C, “Appeals from decisions of Commissioner”. It states —

(3) The appeal must be started within 7 days ...

If they are not organised and they do not have the appeal happening within that seven days, is that the end of the story or is there an ability to ask for an extension?

Mr J.N. CAREY: In this section, yes, the magistrate could extend it but that would be a decision of the magistrate at the application.

Mr P.J. RUNDLE: Proposed section 13C(5) reads —

The appeal is to be by way of rehearing of the matter the subject of the Commissioner’s decision.

Basically, is it a magistrate with all the same information overriding or hearing all that information again and potentially making a different decision?

Mr J.N. CAREY: Yes.

Clause put and passed.

Mr Peter Rundle; Mr David Scaife; Ms Lara Dalton; Ms Jodie Hanns; Ms Cassandra Rowe; Mr John Carey; Mr David Templeman

Clause 14 put and passed.

Clause 15: Section 15 amended —

Mr P.J. RUNDLE: I have a very brief question on the note underneath proposed section 15(1A). It reads —

The Commissioner may decline to decide an application made to the Commissioner under Part III Division 1 and advise the parties that they may apply to the Magistrates Court for relief ...

On what grounds would they apply to the Magistrates Court for relief?

Mr J.N. CAREY: I am advised that that proposed section refers to the circumstances in which the commissioner may refer a matter to the Magistrates Court.

Clause put and passed.

Clause 16: Section 18A inserted —

Mr P.J. RUNDLE: Proposed section 18(4)(a) states —

the court may, without conducting a hearing, order that the security bond be paid to the persons and in the amounts stated in the application ...

How will it do that without holding a hearing?

Mr J.N. CAREY: Sorry, could the member just ask that question again?

Mr P.J. RUNDLE: Proposed section 18(4)(a) under clause 16 states —

the court may, without conducting a hearing, order that the security bond be paid to the persons and in the amounts stated in the application ...

How will it make a decision without having a hearing?

Mr J.N. CAREY: To be clear, this already occurs. For example, if one party who should be part of the proceedings does not participate, the magistrate will still make an order.

Mr P.J. RUNDLE: That is the end of the debate on clause 16.

Clause put and passed.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.

House adjourned at 7.18 pm
